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Linda McCulloch
Superintendent

DATE: October 5, 2006

TO: School Food Authority Administrators

FROM: Christine Emerson, Director
School Nutrition Programs

SUBJECT: Buy American Reminder

This guidance serves as a general reminder to School Food Authorities (SFAs) about the importance of complying with the Buy American provisions that are found in the regulations of the National School Lunch Program (NSLP) at 7 CFR 210.21(d) and the School Breakfast Program (SBP) at 7 CFR 220.16(d).

One issue in particular that we would like to address is the applicability of the provision to all foods purchased by SFAs with funds from the nonprofit food service account. At the recent School Nutrition Association (SNA) 2006 conference, a food product was displayed that was non-compliant with the Buy American provisions. This food item, which was produced and exhibited by a major food company at the conference, was clearly marked as containing a main ingredient from China and prepared in Thailand.

Although the food item was not displayed at the SNA conference as a component of any of the menu planning options in the NSLP or the SBP, we are concerned that conference attendees could have mistakenly concluded that such products are acceptable for a la carte sales. As discussed in the SP 20-2006 guidance (see Q&A 5), SFAs must ensure that all procurements using funds from the nonprofit school food service account comply with the Buy American provisions. This includes foods that are sold to students as a la carte food items.

The following are actions that SFAs can take to comply with the Buy American requirements (as described in SP 20-2006 guidance):

- Including a Buy American clause in all procurement documents (product specifications, bid solicitations, requests for proposals, purchase orders, etc.);
- Monitoring contractor performance;
- Requiring suppliers to certify the origin of the product;
- Examining product packaging for identification of the country of origin; and
- Asking the supplier for specific information about the percentage of U.S. content in the food product.

If you have questions, please contact School Nutrition Programs at (406) 444-2501.

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